

AO 91 (Rev. 08/09) Criminal Complaint

Task Force Officer : Evan Zapolski

Telephone: (989)439-5276

UNITED STATES DISTRICT COURT
for the
Eastern District of Michigan

United States of America,

Plaintiff,

v.

Robert Burton

Case No. 20-mj-30524

Filed: 12/16/2020

Defendant(s).

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief:

On or about the date(s) of February 27, 2019 and December 16, 2020, in the county of Genesee
in the Eastern District of Michigan, the defendant(s) violated:

Code Section

18 U.S.C. § 2252A(a)(2) and

18 U.S.C. § 2252A(a)(5)

Offense Description

Distribution of Child Pornography and

Possession of Child Pornography

This criminal complaint is based on these facts:

Please see the attached affidavit.



Continued on the attached sheet.



Complainant's signature

Evan Zapolski, Task Force Officer - FBI

Printed name and title

Sworn to before me and signed in my presence.

Date: December 16, 2020

City and state: Flint, Michigan



Judge's signature

Curtis Ivy, Jr., United States Magistrate Judge

Printed name and title

COMPLAINT AFFIDAVIT

I, Evan Zapolski, being duly sworn, state:

1. I am employed as a Detective Trooper (D/Tpr.) with the Michigan State Police and a Task Force Officer (TFO) of the Federal Bureau of Investigation (FBI), and have been so employed since May 2013. I have been assigned to the Michigan State Police Internet Crimes Against Children Taskforce since February 2017, and have been a Task Force Officer with the FBI's Northeast Michigan Trafficking & Exploitation Crimes Taskforce since March 2019. I have received training in the area of child pornography and child exploitation and have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media including computer media. I have been involved with several investigations regarding child pornography and the exploitation of children through the internet.
2. This Affidavit is submitted in support of a complaint and arrest warrant for Robert Allen Burton. It is my opinion there exists probable cause to believe Burton has violated Title 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(a)(5) (Distribution of Child Pornography and Possession of Child Pornography, respectively), after having been previously convicted for an offense specified in 18 U.S.C. § 2252A(b)(1). This Affidavit is intended to show only sufficient probable cause for the requested criminal complaint and arrest warrant, and does not set

forth all of my knowledge about this matter. In addition, the information contained in this affidavit is based on personal knowledge, training and experience, and on information made available to me by other law enforcement officers.

3. On or about March 6, 2020 and October 30, 2020, the National Center for Missing and Exploited Children (NCMEC) received cyber-tips from Google. The following account was reported because Google observed child pornography files were stored in the Google account's Google Photos and Google Drive. The account is described below:

Name: Robert Burton

Email Address: 1313usausa@gmail.com

Mobile Phone: +1XXXXXXX4890

4. On or about December 4, 2019, NCMEC received a cyber-tip from Yahoo. The following account was reported because the user uploaded child pornography to their account. The account is described below:

Name: Robert Burton

Phone: 1 XXXXXXX4890

Email Address: righton1313@yahoo.com

5. I reviewed the files Yahoo provided to NCMEC in the cyber-tip. One of the images depicts a nude prepubescent male child receiving oral sex. Based on my

training and experience, this image meets the definition of child pornography under federal law.

6. According to the Michigan Sex Offender Registry, the phone number XXXXXX4890 is the contact phone number for a Robert Burton with an address of XXXX Park Forest Drive, Flint, MI.

7. In response to an administrative subpoena, the phone carrier T-Mobile identified Robert Burton as the customer assigned phone number XXXXXX4890. T-Mobile provided Burton's billing and service address as XXXX Park Forest Dr, Flint, MI 48507.

8. Within the NCMEC tips, it was reported the suspect account used IP address 104.1.166.174 to login to both the Google and Yahoo accounts. In response to an administrative subpoena, AT&T identified Robert Burton as being the subscriber that was assigned the IP address during the timeframe of the logins. AT&T provided Burton's billing and service address as XXXX Park Forest Dr, Flint, MI 48507.

9. Search warrants were executed to the suspect Google and Yahoo accounts. Within the Google account's Google Photos were numerous "selfie" style images that matched Robert Burton's Michigan Secretary of State picture. Within the suspect Yahoo email account were images that matched Robert Burton's Michigan Secretary of State picture. Based on the information above, there is probable cause

to believe the Google account and the Yahoo email account were used by Robert Burton. Also within the records returned by Google for the Google account's Google Drive was a video of three nude male children engaged in masturbation, and oral and anal sex. Based on my training and experience, this video meets the definition of child pornography under federal law.

10. Burton's Yahoo account also contained email communications between Burton and an individual using a Gmail email. This Gmail email account is registered to another registered sex offender residing in Tennessee. On February 27, 2019, Burton used his Yahoo email account to send an image of child pornography to the Gmail email account. The image depicted a nude prepubescent male child receiving oral sex. This image was the same as the image included in the original Yahoo NCMEC tip. With the image, Burton sent the message "NOT ME ON TOP....I WISH."

11. On December 16, 2020, a search warrant was executed to Burton's residence at XXXX Park Forest Drive, Flint, MI. Several devices were seized from the residence, including a Samsung tablet model SM-T290, and Burton was interviewed. Burton admitted to ownership of the Google account described in paragraph 3 and the Yahoo account described in paragraph 4. Burton admitted to viewing and downloading child pornography on his tablet. He indicated there would be child pornography saved on one of the tablets. Burton admitted to

storing child pornography in the Google Drive account described in paragraph 3.

In a preliminary manual review of the seized Samsung tablet model SM-T290, I located at least two videos depicting nude prepubescent male children engaged in oral sex. Based on my training and experience, this video meets the definition of child pornography under federal law.

12. On December 16, 2020, Burton also admitted to law enforcement officers that he sexually assaulted an 18-month-old minor by inserting his penis into the minor's mouth. Burton also admitted he sexually assaulted a 2-year-old minor by inserting his finger in the minor's vagina. Burton further admitted he sexually assaulted a 15-year-old minor in 2005 by performing oral sex on the minor.

13. Based on information from the Michigan Sex Offender Registry, Burton was previously convicted of aggravated sexual battery. Based on information from Tennessee state records, this offense involved minor children.

14. Based upon the foregoing information, I believe that there is probable cause to believe that Burton has violated Title 18 U.S.C. § 2252A(a)(2) and 18 U.S.C. § 2252A(a)(5) (Distribution of Child Pornography and Possession of Child Pornography, respectively) in the Eastern District of Michigan, after having been previously convicted for an offense specified in 18 U.S.C. § 2252A(b)(1).

Accordingly, I ask the Court to issue a criminal complaint and arrest warrant for Robert Allen Burton.

Respectfully submitted,



Evan T. Zapolski
Task Force Officer
Federal Bureau of Investigation

Subscribed and sworn to before me and/or by reliable electronic means on December 16, _____, 2020.



Curtis Ivy, Jr.
United States Magistrate Judge